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EXAMINER	
BASHORE, WILLIAM L	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEVIN B. GJERSTAD, YUTAKA NAKAJIMA,
YUTAKA SUZUE, and BENJAMIN M. WESTBROOK

Appeal 2007-1987
Application 09/557,738
Technology Center 2100

Decided: January 23, 2008

Before ALLEN R. MACDONALD, JAY P. LUCAS, and
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

MACDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1-5 and 20-26. We have jurisdiction under 35 U.S.C. § 6(b).

Representative independent claim 1 under appeal reads as follows:

1. A machine-readable medium having instructions stored thereon for execution by a processor to implement a computer program providing a common text framework through which applications and handlers for input devices can interact, comprising:

a text store interface to permit an application having a document of primarily text to expose the document as an abstraction, the text store interface comprising,

a text stream interface in which the abstraction of the document appears as an array, a position within the document represented as an offset from a beginning of the array,

a dynamic text interface in which the abstraction of the document is such that a position within the document is represented as a floating anchor to a node, and

a text processor input method for attaching a property to the document in at least one position in the document, wherein the property preserves originally entered data in order to facilitate text correction; and

a text input processor interface to permit a handler for an input device to access the abstraction of the document and to insert additional text into the document.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Froessl	US 5,109,439	Apr. 28, 1992
Saunders	US 5,946,499	Aug. 31, 1999
Maslov	US 6,466,240 B1	Oct. 15, 2002

The Examiner rejected claims 1-5 and 22 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Saunders, Maslov, and Froessl.

The Examiner rejected claims 20, 21, and 23-26 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Saunders and Froessl.

Appellants contend that the claimed subject matter would not have been obvious. More specifically, Appellants contend that the reference disclosures do not properly teach numerous claim limitations found by the Examiner (see Br. 11-28).

We reverse.

ISSUE(S)[1]

Have Appellants shown that the Examiner has failed to establish that Saunders describes a position represented by an offset from a beginning of an array and attaching a property which preserves original data as required by claims 1, 20, and 23?

PRINCIPLES OF LAW

Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

[1] The issue we select to address is dispositive of all rejections on appeal. All other issues raised by Appellants are deemed to be moot.

§ 103 ANALYSIS

Appellants correctly point out the Examiner premised the rejection on Saunders teaching (a) a position represented by an offset from a beginning of an array and (b) attaching a property which preserves original data. Appellants further correctly point out that these limitations (required by claims 1, 20, and 23) are not found in the reference (Br. 12-16). Accordingly, we determine that the Examiner has not shown all claimed elements were known in the prior art combined to show Appellants' claimed invention and thus the Examiner did not state a legally sufficient basis for the rejections.

On the record before us, it follows that the Examiner erred in rejecting claims 1-5 and 20-26 under § 103(a).

CONCLUSION OF LAW

(1) Appellants have established that the Examiner erred in rejecting claims 1-5 and 20-26 as being unpatentable under 35 U.S.C. § 103(a).

(2) On this record, claims 1-5 and 20-26 have not been shown to be unpatentable.

DECISION

The Examiner's rejection of claims 1-5 and 20-26 is reversed.

REVERSED

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